

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/348,852	MURAKAMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fred Ferris	2128	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9 December 2005.
2. ☒ The allowed claim(s) is/are 15-26, now renumbered as 1-12.
3. ☒ The drawings filed on 06 February 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>10/18/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. *This office action is in response to applicants after final amendment filed on 9 December 2004. Applicants have now cancelled claims 1-14 and 27-30. Claims 15-26 were previously allowed over the prior art of record*

### **Response to Arguments**

2. *Applicants' arguments filed 9 December 2004 have been fully considered and found to be persuasive.*

*Regarding applicant's response to 103(a) rejections:* *Applicants have now cancelled claims 1-14 and 27-30 rendering previous rejections under 35 USC 103(a) moot.*

### **Allowable Subject Matter**

3. *Claims 15-26 have been allowed over the prior art of record.*

*The following is an examiner's statement of reasons for allowance:*

*Claims 15-20 and 21-26 use "means for" and "step for" language respectively and are given deference in view of In re Donaldson and interpreted in view of 35 U.S.C. § 112 paragraph 6. The "means for" language (claims 15-20) and "step for" language (claims 21-26) and the limitations related thereto are interpreted within the scope of enablement as provided within the relative embodiment provided within applicant's specification. In particular, the prior art does not disclose the specific steps outlined in applicants specification relating to the "**means for**" relocating vehicles (independent*

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claim 15) from port to port as determined by the computer system after searching the VSG for sufficient SOC to meet user's needs as specifically disclosed in the specification on page 12, line 10 to page 16, line 24, Figs. 3, 4, especially the arrangement of elements in Figs. 14, 15) The examiner has interpreted the "means for" language as means plus function where the relocating "means" includes the "function" of the determination by the computer system that additional vehicles be relocated. In accordance with MPEP section 2106 the examiner has given the limitations their broadest reasonable interpretation consistent with all corresponding structures or materials described in the specification and their equivalents including the manner in which the claimed functions are performed. In this case, the prior art does not disclose the arrangement of elements and functions performed as embodied in applicant's specification and disclosed on pages 12, line 6 to page 16, line 24 (searching VSG), and pages 25-30 (relocation, Port facility), and in Figs. 2, 3, 4, 14, and 15. (Especially: specification page 25, lines 4-8, and process steps shown in Figure 2 (40)) The examiner has not found the physical relocation methods (i.e. tow bar, bike carriers, hitches) disclosed in applicant's specification to be novel over the prior art. Claims 16-20 are allowable as being depend from claim 15. The prior art further does not disclose the specific sequence of events outlined in applicant's specification relating to the "steps for" defining a first vehicle search group (VSG) (independent claim 21) for a first port, and a second VSG for a second port relative to vehicle location, time, SOC, and user parameters as also disclosed in applicant's specification on page 12, line 10 to

page 16, line 24, Figs. 3, 4, especially the arrangement of elements in Figs. 14, 15).

*Claims 22-26 are allowable as being dependent from claim 21.*

### **Conclusion**

4. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached at 571-272-3780. The Official Fax Number is: (703) 872-9306*

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January 28, 2005

JEAN R. HOMERE  
PRIMARY EXAMINER